

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TAWNDRAL. HEATH,

Plaintiff,

Case No. 2:17-cv-02869-GMN-PAL

ORDER

(Stip Ext Time – ECF No. 40)

TRISTAR PRODUCTS, INC.,

Defendant.

The court conducted a scheduling conference on July 31, 2018, on the parties' Stipulation and Order to Extend Discovery Deadlines (Second Request) (ECF No. 40). Joshua Dowling appeared on behalf of plaintiff, and Alexandria Layton appeared on behalf of defendant. The court heard from counsel on their request to extend the discovery plan and scheduling order deadlines for 120 days.

17 The complaint in this case was filed in state court and removed November 15, 2017. The
18 parties stipulated to amend the complaint to name the manufacturer as a defendant. Tristar filed
19 an answer to the amended complaint on March 19, 2018. The parties have engaged in some
20 discovery but have not wanted to proceed with depositions until the manufacturer appears.
21 Counsel for plaintiff advised the court that his process server indicates it will likely take between
22 6 months to 2 years for plaintiff to serve the Chinese manufacturer, defendant Zhongshan Jinguang
23 Household Appliance Manufacture Co., under the Hague Convention. The court will not delay
24 discovery for up to two years or more while the plaintiff attempts to obtain service on the
25 manufacturer in China. Counsel advised that they could complete discovery with an additional
26 60-day extension. The court will therefore sever the manufacturer defendant, and give the parties
27 a 60-day extension of the existing deadlines

IT IS ORDERED: The unserved defendant is severed from this case for discovery and trial pursuant to Fed. R. Civ. P. 42(b) in the interests of convenience, and to expedite proceedings.

3 **IT IS FURTHER ORDERED** that the parties' Stipulation and Order to Extend Discovery
4 Deadlines (Second Request) (ECF No. 40) is **DENIED**. A 60-day extension is granted and the
5 following deadlines shall apply:

- 6 1. Last date to complete discovery: **December 17, 2018**

7 2. Last date to amend pleadings and add parties: **September 17, 2018**

8 3. Last date to file interim status report: **October 17, 2018**

9 4. Last date to disclose experts pursuant to Fed. R. Civ. P. 26(a)(2): **October 17, 2018**

10 5. Last date to disclose rebuttal experts: **November 16, 2018**

11 6. Last date to file dispositive motions: **January 16, 2019**

12 7. Last date to file joint pretrial order: **February 15, 2019**. In the event dispositive
13 motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days
14 after a decision of the dispositive motions.

15 8. The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections thereto,
16 shall be included in the pretrial order.

DATED this 2nd day of August, 2018.

PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE